



Report of Director of City Development

Report to Executive Board

Date: 16th December 2020

Subject: Leeds Site Allocations Plan – Consultation on amendments to 37 policies following High Court Order

Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, name(s) of ward(s): Guiseley & Rawdon, Otley & Yeadon, Horsforth, Cross Gates & Whinmoor, Temple Newsam, Rothwell, Alwoodley, Adel & Wharfedale, Rothwell, Kippax & Methley, Farnley & Wortley, Morley North, Morley South, Ardsley & Robin Hood, Calverley & Farsley, Pudsey	
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If relevant, access to information procedure rule number:	
Appendix number:	

Summary

1. Main Issues

- The Leeds Site Allocations Plan (SAP) was adopted by Full Council on 10th July 2019. The SAP was challenged by the Aireborough Neighbourhood Forum in relation to allocations on Green Belt land proposed for housing within Aireborough, on 7 grounds. The High Court found that 3 grounds constituted errors of law (within the independent Inspectors' Report) and has ordered that they be resolved. Furthermore, 2 grounds were not granted permission to proceed and 2 grounds were granted permission to proceed but were not upheld. None of the 3 upheld grounds found that that the City Council itself proceeded unlawfully or took a legally flawed approach to the SAP.
- The Court has ordered that the Council send back 37 Green Belt sites (including one mixed use allocation) to the Secretary of State and the

Planning Inspectorate for further examination against up to date evidence and policy. This process is known as remittal.

- Following an update of the Strategic Housing Land Availability Assessment (SHLAA) to 1st April 2020, there is currently around a 6.8 years housing land supply and a district wide surplus of approximately 11,000 units to 2028.
- Informed by the up-to-date housing evidence, the recommended proposal for remittal to the Secretary of State is to delete all 37 allocations and retain each as Green Belt to 2028.
- Subject to Executive Board approval the proposed Main Modifications and supporting documents will be subject to 6 weeks public consultation (week beginning 4th January 2021) before the SAP is remitted to the Secretary of State for further examination.
- The policy objectives of the Adopted SAP remain. The revised approach in respect to the 37 Green Belt allocations reflects the updated housing supply evidence since SAP adoption and maintains the focus of development on more accessible locations and rebalances the mix of brownfield and greenfield housing land supply.

2. Best Council Plan Implications

- There is a clear role for planning in delivering against all of the Council's priorities as established through the Best Council Plan. In particular, the SAP overall contributes to the Council's key strategies, as follows:

Health and Well-being Strategy – through policies including the design of places, quality of housing and accessibility and the integration of public health infrastructure.

Climate Emergency – managing the transition to zero carbon via policies including: the design of places, the location of development, accessibility to public transport, use of brownfield land, energy, supply, generation and the efficiency of buildings.

Inclusive Growth Strategy – through policies including the links between homes and jobs, planning for the land use and infrastructure needs of key economic sectors, the location of development, green infrastructure and connectivity.

3. Resource Implications

- The procedure associated with the remittal of the Plan has implications for resources in terms of cost, time and staffing, at a time of increased budget pressure. In general, costs will be met from within existing budgets.

4. Recommendation

Executive Board is requested to:

- (i) Note the recommendation to Development Plans Panel for their meeting on 11 December 2020 and further to the outcome of that meeting, note the resolution of DPP, which will be advised verbally at Executive Board;
- (ii) Note the reasons for the proposed Main Modifications in the report;
- (iii) Approve for public consultation:
 - a. The Proposed Main Modifications to the SAP (Appendix 7)
 - b. The Sustainability Appraisal Addendum (Appendix 5) in support of the Plan

1. Purpose of this report

- 1.1 The purpose of this report is to inform Executive Board of the work undertaken since the High Court Judgment relating to the Site Allocations Plan statutory challenge, and the requirements for the remittal of the SAP the Secretary of State. The report also sets out indicative timescales. On this basis, the report seeks approval to commence consultation on the proposed Main Modifications to the SAP (**Appendix 7**).

2. Background information

- 2.1 The Leeds Site Allocations Plan (SAP) was adopted by Full Council on 10th July 2019. The Adopted SAP initially provided site allocations and requirements that helped to deliver the Adopted Core Strategy (CS) 2014, ensuring that sufficient land was available in appropriate locations to meet the targets set out in the CS for housing (including Gypsies, Travellers and Travelling Showpeople), employment, retail and greenspace.
- 2.2 Upon adoption, the housing provision in the SAP was below the existing CS 2014 housing target. This was because the Council and the Inspector had taken steps to reflect a known downward housing trajectory (which was being advanced in its Core Strategy Selective Review and, reduce (by over half) the amount of Green Belt land to be allocated. This resulted in a reduction in the number of Green Belt sites that were originally intended to be allocated in the final Adopted SAP.
- 2.3 To account for the (then) subsequent adoption of the CSSR, the SAP Inspectors introduced SAP Policy HGR1 which requires that once the new Core Strategy (CS) housing target (introduced into the CS on adoption of the CSSR) was adopted, the Council would undertake a review to consider the need for additional housing allocations and safeguarded land designations to deliver the new CS housing target.
- 2.4 The CSSR was adopted on 11th September 2019 and amended the housing requirement and Plan period, from 70,000 (net) between 2012-2028 (in the 2014 Adopted CS) to 51,952 (net) between 2017-2033.
- 2.5 Following the adoption of the SAP, it was subject to a legal challenge by the Aireborough Neighbourhood Development Forum in August 2019 on 7 grounds. The case was heard at the High Court in February 2020 with Judgment being handed down on Monday 8th June 2020. The Judge, Mrs Justice Lieven DBE, allowed the Claim on 3 out of the 7 grounds raised. These 3 grounds related to 3 legal errors, namely legally deficient reasons given, in the Inspectors' Report on: justifying the release of the specific Green Belt sites and site selection process; and an error of fact relating to the calculated increase in supply of housing (mainly in the city centre) during the process.
- 2.6 It should be noted that the Judge did not find that Green Belt sites could not properly be released and nor did she find that the site selection process was in error.
- 2.7 The Order for Relief was handed down on 7th August 2020. The Judge concluded at paragraph 24 that, "It does however seem to me to be appropriate to remit this matter to the Secretary of State, and through him the Inspectorate,

rather than quash either the whole or parts of the SAP. It seems reasonable to start from the position that the process should be taken back to the stage where the error of law occurred rather than back to the beginning through quashing.”

- 2.8 The Judge further stating that “If the matter is remitted then the Council will have to decide what, if any, modifications it intends to propose to the Inspectors. That is a matter of planning judgement for the Council and it is not for me to adjudicate on what approach the Council takes to exceptional circumstances for GB release once the matter is remitted”, (paragraph 26). She also explains that once the SAP is remitted it is for the Secretary of State to make the appropriate arrangements and it is not essential that the matter should be put before different Inspector(s) (but this is a matter for the Planning Inspectorate to determine).
- 2.9 Paragraph 31 of the relief judgement concludes: *“The remittal of all GB allocations to the Inspectors will, I accept, cause delay and will impact upon the Council’s ability to show a 5YLS. [See paragraph 3.12 of this report in response to this]. However, those are not grounds not to remit if that is the only way to remedy the illegality that I have found. The planning judgements that follow, in terms of conformity with the NPPF and whether the tests for GB release are met, are matters for the Council and the Secretary of State and not for the court.”*
- 2.10 In summary, the effect of this relief concerns sites for housing (including a mixed use site) that, before the adoption of the SAP were in the Green Belt (37 sites). These sites are to be remitted back to the Secretary of State and the Planning Inspectorate for further examination.
- 2.11 During this remittal process these 37 housing sites are considered as not adopted and as such are returned to the Green Belt until re-examined. The remainder of the SAP remains adopted and carries full weight. The 37 sites are listed at **Appendix 1**, with a plan showing their location at **Appendix 2**.
- 2.12 It is noted that whilst the 37 sites are now designated as Green Belt, as they were immediately before the Adoption of the SAP, there has nevertheless been activity on some of the sites through the planning application process where schemes have been considered by Plans Panel. This reflects that the Council is required to determine any planning application that is submitted to it in line with relevant material considerations at any time. The sites include:
- Horsforth Campus (HG2-43) where a planning application for the development of 152 affordable dwellings (C3) with associated access and landscaping was considered by City Plans Panel on 1 October 2020. The panel resolved that development of the site was accepted in principle (on the basis of policies within the National Planning Policy Framework) and deferred the application to allow further detailed discussions on design to take place, before the application is brought back to Panel on completion of those discussions.
 - Scarcroft Lodge, Scarcroft (HG2-26) where a planning application and listed building application was considered by North and East Plans Panel on 22nd August 2019 for approval subject to a legal agreement to secure developer obligations. The development comprises a care community comprising 172 units of accommodation with associated communal facilities through

demolition of existing office buildings with part conversion and extension of Scarcroft Lodge together with new build accommodation and conversion of Woodlands into five apartments. The site remains in the Green Belt and was determined in line with the National Planning Policy Framework. The legal agreement is set to be signed for the formal approval of the scheme in December 2020.

3. Main Issues

Scope of the SAP Remittal

- 3.1 The High Court Order requires that a targeted remittal procedure now be undertaken, the scope of which would focus on the 37 sites only.

The need for a revised position on the 37 housing sites

- 3.2 There is a need to reflect an up to date position on evidence. The Core Strategy housing target was lowered as part of the Core Strategy Selective Review (2019) but as Members will recall, the SAP Inspector was clear that the SAP should not at the time be aligned with this lower figure. Instead, the lower trajectory of growth helped justify the reduced Green Belt contribution and fact that the SAP on Adoption was below the previous Core Strategy requirements.
- 3.3 The Judge in her Order notes that “*The passage of time may well require the council to update its evidence, and potentially, to invite the Inspector to recommend modification to policies*”. This is the case.

Updated Housing Supply Evidence

- 3.4 In arriving at an accurate picture of housing land supply to inform the Council’s proposed recommendations for the SAP remittal, it is necessary to have an up to date evidence base. A Strategic Housing Land Availability Assessment (SHLAA) was commenced in September 2020 with the final report (**Appendix 3**) together with accompanying five year housing land supply statement (**Appendix 4**) to be published in December 2020 and considered by Development Plan Panel at their meeting on 11th December. The SHLAA provides a technical assessment of potential housing sites, including those in the adopted SAP and any other unidentified (windfall) sites that have arisen since.
- 3.5 The preparation of a SHLAA is an annual requirement of the National Planning Policy Framework (NPPF). In sum the SHLAA:
- takes account of new planning permissions and construction activity to a base date of 1 April 2020
 - is informed by recent national planning policy announcements, current market adjustments and any challenges posed to housing delivery by Covid-19
 - has involved consultation with: the Home Builders Federation (which includes a range of SME and volume builders) along with landowners, developers, agents and applicants of planning permissions to confirm availability and delivery timescales for sites with planning permission and

allocated for development in the SAP and Aire Valley Leeds Area Action Plan.

- 3.6 As part of the SHLAA it is noted that there have been significantly more planning permissions granted for housing over the past five years on sites that are not within the SAP. These are mainly on brownfield sites and reflect the Council's efforts to regenerate areas and maximise the use of brownfield land across the district and incentivise the bringing back into use of brownfield sites, including through the Council House Growth Programme. 75% of all planning approvals in the last 5 years have been on brownfield sites and completions remain overwhelmingly on previously developed land, which is reflective of the Council's overall strategy for sustainable growth focused in the city centre and main urban area. It is noted that whilst this uplift largely falls after the base date of the SAP the Council did make the Inspector aware of the most up to date permission figures available at the time of the SAP Examination.
- 3.7 Therefore the pipeline of sites both under construction and with planning permission granted but where development is yet to commence remains healthy as follows:
- at 1 April 2020 there was outstanding capacity for approximately 29,000 new homes on sites with planning permission
 - capacity for a further 26,000 units on sites yet to obtain planning approval that are allocated in the SAP and AVLAAP
 - over 100 outlets operating district-wide with more than 5,000 individual plots actively being built across all markets and locations
- 3.8 The total stock of almost 29,000 new homes with planning permission is reflective of the greatest level of outstanding capacity in over a decade. This includes increases to capacity of sites to those indicatively set out in the SAP and AVLAAP as well as the granting of planning permissions on sites not in the SAP. These new sites to SHLAA have come forward after the SAP was prepared. They are across the whole district but particularly in the city centre where a recent expansion of office to residential developments and large-scale purpose built student accommodation schemes has emerged.
- 3.9 The SHLAA process also looked at the impacts of the pandemic and concluded that at this stage it is too early to tell what the long term impacts will be on the supply and delivery of housing. Whilst construction inevitably slowed during the initial lockdown months of March to July, there are signs that this is now quickly recovering and Government has put in place measures to stimulate the house building sector including increased permitted development rights for new housing which may further boost the picture of supply. Through the SHLAA the Council has undertaken the detailed process of looking at individual sites and seeking to determine suitability, availability, achievability, start dates and build out rates through a review of planning and construction activity and the collation of evidence through consultation and on-going dialogue and consultation with landowners, agents and developers in accordance with NPPF and NPPG.

Housing Requirement and Housing Supply

- 3.10 Based on the adopted housing target to 2033, the SAP is required to allocate sites for 31,867 new homes up to 2028 (**Table 1**). Of these, 7,900 have already been delivered on sites completed between 1 April 2017 and 31st March 2020. This means land for around 24,000 new homes is needed from 1 April 2020 up to the end of the plan period in 2028. The emerging picture of supply (excluding remitted sites) in the 2020 SHLAA update points to approximately 35,000 new homes being deliverable across 429 sites up to 2028. Of these, some 19,500 are either currently under construction or already have a detailed planning permission in place. This represents a surplus in the plan period of some +11,000 units.

Table 1: Core Strategy requirement and SAP requirement

Core Strategy Housing requirement to 2033 (Policy SP6)			
CS Requirement 2017 - 2033	CS Requirement to allocate 2017 - 2033	CS Requirement to allocate per annum	
51,952	46,352	2,897	
Allocations required in the SAP up to 2028			
CS Requirement 2017 – 2028 (11 years x 2,897)	Completions 2017 - 2020	SHLAA Supply	Balance (Completions + Supply – Requirement)
31,867	7,900	35,235	+11,268

- 3.11 The Site Allocations Plan apportions the Core Strategy requirement for the allocation of housing land for 2,897 homes per annum up to 2028. The requirement for SAP to allocate is 11 years of housing land from the commencement of the Core Strategy requirement in 2017 to the end of the SAP plan period in 2028. Table 2 below reflects the most up to date position on an HMCA basis.

Table 2: Balance of housing allocations required in the SAP up to 2028 by Housing Market Characteristic Area

HMCA	Policy P7 % Requirement	Housing requirement 2017-2028	Completions 2017-2020	2020 SHLAA Supply to 2028	Balance
Aireborough	3%	956	187	276	-493
City Centre	16%	5,099	1,930	11,733	8,564
East Leeds	17%	5,417	485	4,242	-690
Inner Area	15%	4,780	1,759	8,790	5,769
North Leeds	9%	2,868	858	1,940	-70
Outer North East	8%	2,549	500	1,333	-716
Outer North West	3%	956	234	931	209
Outer South	4%	1,275	385	403	-487

HMCA	Policy P7 % Requirement	Housing requirement 2017-2028	Completions 2017-2020	2020 SHLAA Supply to 2028	Balance
Outer South East	7%	2,231	385	1,167	-679
Outer South West	11%	3,505	669	2,555	-281
Outer West	7%	2,231	508	1,865	142
Total	100%	31,867	7,900	35,235	11,268

Five Year Housing Land Supply

- 3.12 The SHLAA assessment calculates the updated five year housing land supply position to be 6.8 years against the current annual requirement. This is supported by a Five Year Housing Land Supply Statement (Appendix 4) which will be considered by Members of Development Plan Panel at their meeting on 11th December. This is a positive figure and has improved as a result of the reduction in the housing target, the Adoption of the SAP and the amended provisions of the Government's Housing Delivery Test. The overwhelming majority of sites deliverable in the short term period are either under construction or benefit from detailed planning permission. This is a healthy position and one which will enable the Council to resist inappropriate speculative development proposals.

Options for SAP Remittal

- 3.13 Taking into account the matters set out in the Judgment, the High Court Order and the overriding objective to achieve a fully adopted SAP within an existing plan period to 2028, three reasonable alternative options have been identified for remittal:

Option 1: Propose all 37 Green Belt sites as allocations in the SAP

This would require no Main Modifications to the SAP in respect of the Green Belt sites and the Inspector would be required to examine whether allocating the sites and removing them from the Green Belt is sound.

Option 2: Propose none of the 37 Green Belt sites as allocations in the SAP

This would require 37 Main Modifications to the SAP, one for each green belt site

Option 3: Propose some of the Green Belt sites as allocations in the SAP on the basis that they would help address housing shortfalls within individual Housing Market Characteristic Areas.

This would require some Main Modifications to the SAP, one for each of the Green Belt sites not being proposed for allocation (namely those in Aireborough, East, North, Outer North East, Outer South, Outer South East and Outer South West).

3.14 The advantages and disadvantages of each option are considered below:

Option 1

3.15 The retention of the 37 allocations in the SAP would ensure that housing sites are distributed across the whole of the District, and specifically across the outer Housing Market Characteristic Areas (HMCAs) and would more closely align with distribution amongst HMCAs as set out in the Core Strategy (Spatial Policy 7), by providing a wider choice of housing sites across some but not all outer areas. However the evidence from the updated SHLAA shows a significant over provision of housing land above the Core Strategy requirement (Spatial Policy 6). This position is unlikely to support the high bar test for demonstrating exceptional circumstances for Green Belt land release, and it is unlikely that in such circumstances the test would be met. The National Planning Policy Framework (para.136) requires that “*Once established, Green Belt boundaries should only be altered where **exceptional circumstances** are fully evidenced and justified, through the preparation or updating of plans*”. Before concluding that exceptional circumstances exist, all other reasonable options for meeting identified need for development have to be investigated, including making as much use as possible of brownfield sites and underutilised land (para.137). Further to the policy reasons above the Council’s Sustainability Appraisal has concluded that this option is not as sustainable as Option 2. This option is therefore not justified on the basis of evidence nor is it considered to be in line with national policy.

Option 2

3.16 In the context of the high bar test for demonstrating exceptional circumstances, the removal of the 37 allocations from the SAP and retaining the sites as Green Belt would not impact on the housing land requirements of CS Spatial Policy 6 due to the significant over provision of housing land the District now has to 2028. However, it would result in under provision of supply in several HMCAs and it would provide a less diverse housing land supply with less choice of housing sites specifically in the outer areas and would not reflect CS Spatial Policy 7 in terms of providing a distribution of housing land. The removal of the allocations would include the deletion of 5 school allocations, however as noted at paragraph 3.22 the need for these school allocations arose directly from the new houses created. The positive benefits of this option would be the reliance upon development in sequentially more sustainable locations and the environmental benefits (for example landscape, ecology and agricultural land) by retaining Green Belt land. The option responds to the up to date housing evidence and would avoid the need for Green Belt land release and is most likely to be found sound having regard to the legal requirements including the NPPF para.136 and 137. Further to the policy reasons above the Council’s Sustainability Appraisal has concluded that this option is the most sustainable. This option is therefore justified on the basis of evidence and is considered to be in line with national policy.

Option 3

3.17 This option to retain some of the allocations would help to address the shortfalls in the HMCAs (Aireborough, East, North, Outer North East, Outer South, Outer South East, Outer South West), however as with the Adopted SAP (2019) the CS Policy 7 shortfall would remain particularly in for example Outer South East.

The distribution is intended as a guide rather than rigid targets and as with Option 1, the test for demonstrating exceptional circumstances for Green Belt release would be difficult to justify based on the local housing land needs alone given the overall City needs are exceeded. Further to the policy reasons above the Council's Sustainability Appraisal has concluded that this option is not as sustainable as Option 2. This option is therefore not justified on the basis of evidence nor is it considered to be in line with national policy

Option Conclusions

- 3.18 Based on the conclusions of the evidence and policy considerations, alongside a Sustainability Appraisal (see below para 3.28 and 3.29) it is the Council's planning judgement that Option 2 is the preferred approach to the SAP Remittal for the following reasons:
- a) whilst there may be some disbenefits in not allocating the 37 sites for housing, it is considered that they are not sufficient to outweigh the high bar test for Green Belt release ('exceptional circumstances') when the Council has such a significant surplus of housing supply.
 - b) the option is considered a sound approach and is responsive to the findings of the High Court Judgement (updating the housing land evidence and inviting proposed modifications to the SAP accordingly).
- 3.19 In addition it is noted that Option 2:
- a) enables a targeted remittal procedure, which can swiftly provide clarity and certainty on the Council's Adopted SAP up to 2028
 - b) enables further detailed implications of the Planning White Paper on setting housing numbers (e.g. the national algorithm) and area-based policies for growth to emerge outside of a live plan-making process
 - c) therefore allows for, in line with the NPPF requirement to review and update plans every five years, for the Council to look at housing allocations beyond 2028 in due course
- 3.20 Whilst the housing supply currently in place enables the Council to meet its overall housing requirements, it does not allow for housing needs to be met in all places and there remains an imbalance in provision between the city centre and the inner area and the outer areas. This is even more concerning as in the high market outer areas the Council is able to seek higher levels of affordable housing to meet needs. It is as a result of the substantial efforts that the Council has put into promoting delivery of housing on brownfield and regenerating the City Centre and Inner Area through a variety of infrastructure, environmental and social schemes that markets that housing land supply has exceeded our expectations and resulted in a substantial surplus. These factors were acknowledged as part of the SAP Examination. However, the continued success of these markets, coupled with the fixed lower housing requirement of the revised Core Strategy and the high bar test for the release of Green belt in national guidance now mean that on balance it would be particularly challenging to demonstrate exceptional circumstances for release of Green Belt land for housing allocations on the 37 sites.

Consequential Effects of Proposed Option

3.21 Not proposing the 37 sites as allocations and therefore retaining them as Green Belt will have a number of consequential effects on the SAP, which have been considered as follows:

i) Schools

3.22 Five of the 37 allocations include school allocations: HG2-36 Alwoodley Lane, Alwoodley; HG2-17 Breary Lane East, Bramhope; HG2-180 Land between Fleet Lane & Methley Lane, Oulton; HG2-150 Land east of Churwell LS27; HG2-72 Land off Tyersal Court, Tyersal.

3.23 These sites (along with a number of other school allocations) were allocated to respond to the need for school places arising from the new housing proposed by the SAP. As a result of the 37 allocations being proposed to be removed (amounting to an indicative capacity of 4,070 units) Childrens Services have been consulted on the option to remove the school allocations. They have advised that the school allocations were identified to accommodate additional school places arising from the new housing. As such, should the housing sites not be allocated, the school allocations will not be needed. Where school place needs arising from other SAP housing allocations does occur, it is considered that existing schools capacity could accommodate the need for additional school places.

3.24 The site at Breary Lane East, Bramhope (HG2-17) has detailed planning permission for 319 dwellings, a convenience store and public open space and is currently under construction. A Section 106 Agreement attached to the outline planning permission (13/05134/OT) included the requirement for the submission of a plan to the Council identifying the proposed location for the primary school within the site. The location was subsequently identified as part of the landscape masterplan for the reserved matters approval (17/02312/RM). The Council is currently considering its position with regards to primary school provision in Bramhope.

ii) Employment Land

3.25 One site was allocated as a mixed use allocation for housing and 10 ha of employment land at Barrowby Lane, Manston LS15 (MX2-38) in the East HMCA. It is noted that the Judgment made no determination on the suitability of the 37 sites but concluded that the release from Green Belt was to be dependent upon the re-examination of the policy status of need for sites to be released at this time based on district-wide requirement. Any future delivery on sites will dependent upon the requirement for Green Belt sites to be developed taking into account all planning considerations including the need to meet updated housing or employment needs based on the land supply evidence as part of both SHLAA and Employment Land Review.

iii) Affordable Housing

3.26 As noted above the preferred option would not provide the distribution of housing land across the HMCAs as Option 1 would. However, this of itself would not satisfy the test of exceptional circumstances to remove land from the Green Belt. Notwithstanding this, the Council's Core Strategy contains a policy

on new housing development on non-allocated sites so as to help guide sustainable development in these locations. National Planning Policy also makes provisions for planning permission to be granted for affordable housing schemes on Green Belt land, if exceptions exist. Similarly, for those HMCAs that do not have as much housing allocated as needed Neighbourhood Plans are able to release land from the Green Belt to meet local needs, including for affordable housing schemes.

iv) Housing for older persons housing/independent living (HG4)

- 3.27 Three of the allocations are identified as potentially suitable for older persons housing/independent living (HG2-2 Wills Gill, Guiseley; HG2-183 Swithens Lane, Rothwell LS26; HG2-136 Whitehall Road, Harpers Farm) due to proximity of the sites to existing shops and facilities measured by 400m walking distance to a centre. However it is noted in the SAP at para.2.60 “...*the Plan is not prescriptive in allocating sites solely for this use. It should be emphasised that given the range of housing needs evident across the District, sites not specifically identified for this use may also be considered...*”. Core Strategy Policy H4 requires that all residential applications provide an appropriate housing mix. This provides the opportunity to create a range of different housing types and sizes in different locations across the district.

SAP Review

- 3.28 Policy HGR1 of the adopted SAP requires a review to assess and address the need for additional housing allocations and safeguarded land designations post 2023 following the adoption of the Core Strategy Selective Review. Policy HGR1 states that the review will be submitted by the end of December 2021. The SAP Remittal evidence shows that there is sufficient land allocated for housing and identified for safeguarded land to comply with Core Strategy Housing (as amended by the CSSR) target to 2028. It is therefore anticipated that following this limited scope remittal, the Council will be in a position, as a result of updated evidence, to demonstrate that the Policy intention of HGR1 has been met without any additional allocations. A future review of required allocations from 2028 can be undertaken at a later date once the Local Plan update is formulated and the outcome of the Planning White Paper proposals have been confirmed.

Sustainability Appraisal

- 3.29 It is a necessary legal requirement to assess all “..*reasonable alternatives taking into account the objectives and geographical scope of the plan..*”. (The Environmental Assessment of Plans and Programmes Regulations 2004 (Part 3 12(2)(b)). All 3 options listed at paragraphs 3.15 to 3.17 have been subject to a sustainability appraisal to assess the effects of each option upon the SA objectives, as follows in summary:.

Option 1 – Whilst there are positive effects arising from the provision of new housing to address Policy SP6 and SP7 (including meeting housing delivery targets and the provision of affordable housing), associated greenspace provision and economic benefits from short term construction jobs and the jobs from the mixed housing/employment allocation and energy & resource efficiency arising from the construction this is outweighed by the negative effects on SA objectives relating to the environment and transport arising

from the allocation of sites in the Green Belt in relatively less sustainable locations. The remaining objectives are assessed to be neutral. As a whole this option is judged to be less sustainable than Option 2.

Option 2 – This option has neutral effects for the majority of SA objectives reflecting the fact that deletion of the allocations will not affect the majority of the objectives. The effect on the housing objective (SA6) is neutral overall as district wide housing delivery will be maintained by this option, however the SA notes there will be less provision for meeting local housing needs and fewer affordable houses in those areas. There is a negative impact on employment due to loss of a mixed use allocation which includes 10 ha of employment land and loss of jobs in the construction and employment sector. There are positive effects relating to environmental objectives (efficient & prudent use of land, biodiversity & geodiversity, flood risk and landscape & townscape quality) as a result of sites remaining in the Green Belt. As a whole this option is judged to be the most sustainable.

Option 3 – The effects of this option are similar to Option 1 because even if specific sites are brought forward for allocation they are on Green Belt land and in relatively less sustainable locations. As a whole this option is judged to be less sustainable than Option 2.

- 3.30 An SA Addendum has been prepared (**Appendix 5**) to detail the assessment process undertaken.

Habitat Regulations Assessment

- 3.31 The proposed option to remove the 37 allocations and retain as Green Belt has been subject to a draft screening assessment (**Appendix 6**) and consultation with Natural England has begun. For clarity Appendix 6 includes a short Habitat Regulations Assessment (HRA) Addendum to the HRA which accompanied the Adopted SAP (both documents are included).

Consultation on the Proposed Modifications

- 3.32 Based on the preferred option (2) not to propose any Green Belt sites for allocation and retain them as Green Belt to 2028, the Proposed Modifications to the SAP (to delete them) will be subject to public consultation for 6 weeks from early January to February. This will be accompanied by the evidence for the revised position including the SA Addendum, an addendum to the Habitats Regulations Assessment and a Background Paper to help people understand the process and options proposed.

Development Plan Panel

- 3.33 The conclusions of this report along with the supporting technical evidence will be considered at a meeting of the Council's Development Plan Panel (DPP) on 11th December in a similar paper. DPP will be asked to note the contents of the report and the reasons for the Main Modifications, and recommend to this meeting of Executive Board that it approves the Main Modifications for public consultation, along with the supporting Sustainability Appraisal Addendum and all necessary technical background documents. A verbal update from Development Plan Panel will be provided to this meeting

Timescales

3.34 Timescales are as follows:

- Public consultation – for a six-week period during (week beginning 4th January to week beginning 15th February).
- Consider representations received – February / March
- Seek Approval of Full Council to submit the Main Modifications to the Secretary of State for examination - March, following the close of consultation.

3.35 Following submission, the Secretary of State will make appropriate arrangements, with regards to appointing Inspectors and dates and process for any future Examination proceedings.

4. Corporate considerations

4.1 Consultation and engagement

4.1.1 The consultation on the SAP Remittal: Proposed Main Modifications will be subject to a 6 week consultation. Due to the current restrictions arising from COVID-19, it will not be possible to undertake face-to-face consultation. The Statement of Community Involvement (SCI) will be revised on an interim basis, in order to take account of the current and likely future restrictions. All consultation material will be publicised and made available digitally on the Council's website. Statutory consultees will be consulted in line with national regulations

4.2 Equality and diversity / cohesion and integration

4.2.1 An EDCl is required for this report and is provided at Appendix 8.

4.3 Council policies and the Best Council Plan

4.3.1 There is a clear role for planning in delivering against all of the Council's priorities as established through the Best Council Plan. In particular, the SAP overall contributes to the Council's key strategies, as follows:

Health and Well-being Strategy – through policies including the design of places, quality of housing and accessibility and the integration of public health infrastructure

Climate Emergency – managing the transition to zero carbon via policies including: the design of places, the location of development, accessibility to public transport, use of brownfield land, energy, supply, generation and the efficiency of buildings

Inclusive Growth Strategy – through policies including the links between homes and jobs, planning for the land use and infrastructure needs of key economic sectors, the location of development, green infrastructure and connectivity

4.4 Resources, procurement and value for money

4.4.1 The consultation and remittal of the Plan has implications for resources in terms of cost, time and staffing, at a time of increased budget pressure. In general, costs will be met from within existing budgets.

4.4.2 Members are asked to note for contextual purposes that 4 sites out of the 37 are Council owned and these are set out below.

- Site ref HG2-119 Red Hall Offices and playing field (in East HMCA), capacity 50
- HG2-123 Colton Road East, (in East HMCA), capacity 17
- HG2-36 Alwoodley Lane, Alwoodley (in North HMCA), capacity 302
- HG2-159 Sissons Farm, Middleton (in Outer South West HMCA), capacity 222

4.5 Legal implications, access to information, and call-in

4.5.1 As a Development Plan Document, the SAP falls within the Council's budget and Policy Framework (B&PF). As such, this report is not subject to call-in.

4.5.2 This Remittal process remains an advanced part of the Examination of the SAP and there is no requirement under the B&PF for a further referral to Scrutiny Board.

4.5.3 The remittal of the SAP is being undertaken pursuant 113(7)(b) and section 113(7C)(a) of the Planning and Compulsory Purchase Act 2004

4.5.4 Following the consultation, Main Modifications will be finalised and will be subject to approval of Full Council before being submitted to the Secretary of State for Examination.

4.6 Risk management

4.6.1 The High Court decision and the relief ordered is a process that the Council is bound to follow. Now that the evidence has been updated, the next steps are to consult on the proposed SAP Remittal/Proposed Modifications. .

4.6.2 A further risk of the recommended approach to the SAP remittal is that insufficient housing may be delivered in the outer areas, including affordable housing. However new housing in particular affordable housing could be promoted through neighbourhood plans in areas with identified housing needs.

4.6.3 The implications of the Covid-19 are identified. The immediate effects have been taken into account in the technical work to reflect the impact on planning and construction activity this year, however, it is understood that we remain in a pandemic with no known end date. It is recognised that there is potential for the continuation of Covid-19 beyond this year, which would result in longer term effects.

5. Conclusions

- 5.1 Following the update of evidence supporting the SAP, this report recommends Proposed Main Modifications that none of the 37 Green Belt sites are allocated in the SAP.

6. Recommendation

- 6.1 Executive Board is requested to:

- (j) Note the recommendation to Development Plans Panel for their meeting on 11 December 2020 and further to the outcome of that meeting, note the resolution of DPP, which will be advised verbally at Executive Board;
- (ii) Note the reasons for the proposed Main Modifications in the report;
- (iii) Approve for public consultation:
 - a. The Proposed Main Modifications to the SAP (**Appendix 7**)
 - b. The Sustainability Appraisal Addendum (**Appendix 5**) in support of the Plan

7. Background documents¹

- 7.1 None.

8. Appendices

Appendix 1: List of allocations subject to SAP Remittal
Appendix 2: Map showing location of allocations subject to SAP Remittal
Appendix 3: SHLAA Main Report
Appendix 4: 5 Year Housing Land Supply Statement
Appendix 5: SA Addendum
Appendix 6: HRA Screening Assessment
Appendix 7: Proposed Main Modifications
Appendix 8: Equality Diversity Cohesion Integration Screening

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.